

## **REMARKS**

This is in response to the Office Action dated June 23, 2006. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

Initially, the specification and abstract have been reviewed and revised in order to make a number of minor clarifying amendments. To facilitate entry of the amendments, and a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a “marked-up” copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled “Version with Markings to Show Changes Made.”

In item 1 of the Office Action, the Examiner objects to the drawings because reference numerals “14” and “16” both designate elastic bodies. Initially, Applicants note that reference numeral “16” was inadvertently used in the claims. The correct reference numeral should have been “416” (see Fig. 4). The different reference numerals are appropriate in this case because two different elastic members (in different embodiments) are indicated. Clearly, the different reference numerals do not identify the same feature, and thus the Examiner is requested to withdraw this objection to the drawings.

The drawings are further objected to because reference numerals “15” and “415” have both been used to designate inclination plates. Accordingly, the specification and

claims have been amended so that the reference numeral "15" is no longer used.

Therefore, this objection to the drawings is now clearly obviated.

Next, in items 2-3 of the Office Action the claims are objected to under 37 CFR 1.75(i) and rejected under 35 U.S.C. 112, second paragraph. Accordingly, original claims 1-17 have been cancelled and replaced with new claims 18-34. Each of the new claims has been drafted to conform to current U.S. PTO practice and to comply with 35 U.S.C. 112, second paragraph. In particular, each claimed feature is provided with proper antecedent basis. Furthermore, the terms "rod-like" and "rubber-like" are not used in the new claims.

In view of the presentation of the new claims, it is submitted that the rejection under 35 U.S.C. 112, second paragraph is now clearly obviated.

Next, on pages 4-11 of the Office Action, the original claims are rejected over the prior art with the Examiner particularly relying on Kondo (U.S. Patent No. 6,405,895). It is submitted that the present invention, as embodied by the new claims, clearly distinguishes over the applied prior art references for the following reasons.

**Kondo** discloses an apparatus for arranging short columnar objects into an array, and supplying the objects arranged in the array. In spite of the Examiner's characterization, the Kondo apparatus is not for discharging elongated products each having one end that is larger in size than the other end, as specified in each of the claims. See col. 2, lines 36-42 which state that:

*"[G]enerally, each of the objects has a short columnar shape, such as a short prismatic shape or a short cylindrical shape. Each object may be an electric component according to the thirty-ninth feature (39). Thus, each object may have a polygonal*

*transverse cross section, such as a quadrangular or triangular transverse cross section, or a circular transverse cross section."*

The article being dispensed clearly has a significant impact on the necessary structure for discharging the articles. In the present invention, the elongated products, which have a larger size at one end thereof, are received in the hopper and guided to a slit (31, 331) formed in the bottom cover 30. The elongated products are oriented in the slit in the same direction as shown in Fig. 3. The particular orientation of the elongated products is achieved by the slit (31, 331) which is defined in independent claims 18 and 33 as "a slit extending in a direction perpendicular to a direction of the swaying motion of the hopper so as to be open in the upper surface, . . . the slit has a width that allows all but the maximum outer size portion of the elongated products to pass therethrough."

The Examiner takes the position that Kondo discloses "the slit (230) having a width that does not allow the maximum outer size portion of a rod-like product to pass therethrough". However, the feature indicated by reference numeral 230 is actually defined as "a movable-guide-plate-fit hole" (col. 23, lines 56-61; see Figs. 7 and 13). The particular structure is described in col. 23, lines 61-65 as follows:

"A first movable glide plate 232 as a first movable guide member and a second movable guide plate 234 as a second movable guide member are fitted in the movable-guide-plate-fit hole 230, such that each of the guide plates 232, 234 is vertically movable."

Clearly, the movable-guide-plate-fit hole 230 of Kondo does not correspond to the claimed slit formed in the bottom cover. In particular, hole 230 is not for receiving and discharging an elongated product, but rather is provided for the purpose of enabling guide plates 232, 234 to move in a vertical direction. Furthermore, the Kondo

hole cannot reasonably be considered to be a “slit”, and is not sized to orient an elongated product in a particular orientation. Note that the claimed slit is sized to allow all but the larger size end of the product to pass therethrough.

Since the Kondo reference does not include the claimed slit, it cannot anticipate independent claims 18 and 33 under 35 U.S.C. 102(b). Note that the disclosed Kondo apparatus is completely different from the presently claimed invention with regard to structure, function and effect.

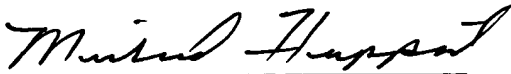
Further, the Kitamura, Laquay, and Vann references have been reviewed and it is apparent that these references do not disclose or suggest the features that are omitted in the Kondo reference. Note that, contrary to the Examiner’s statement, the Vann reference does not disclose or suggest a removal arm capable of catching a flange of a pipet tip. The Vann reference discloses a reagent dispensing system and does not even discuss the handling of pipet tips.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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